

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE:
ROBIN WOODS**

**CHAPTER 13 CASE NO.:
18-10528-JDW**

OBJECTION TO CONFIRMATION

COMES NOW the Chapter 13 Trustee, Locke D. Barkley (the “Trustee”), by and through counsel, after conducting the Section 341(a) meeting of creditors and after reviewing the Petition, Schedules, and Statement of Financial Affairs, and files this Objection to Confirmation (the “Objection”), and in support thereof states as follows:

1. The Debtor commenced this proceeding by filing a Voluntary Petition on February 15, 2018 (the “Petition Date”). The Debtor filed a proposed Chapter 13 Plan (Dkt. #9) (the “Plan”) on February 19, 2018.
2. The Plan fails to comply with 11 U.S.C. §§ 1325(a)(1) and 1322(a)(2) because it fails to provide for the treatment of the priority claim of the Internal Revenue Service (Claim #3).
3. The Debtor has failed to commence plan payments as required by 11 U.S.C. § 1326(a)(1).
4. The Debtor’s Plan fails to comply with 11 U.S.C. § 1325(a)(6). The Plan is not feasible.
5. The Debtor’s Plan fails to comply with 11 U.S.C. §§ 1325(a)(9) and 1308. The Debtor has failed to file Federal tax returns for 2014, 2015, 2016, and 2017 according to the Proof of Claim filed by the Internal Revenue Service (Claim #3).
6. The Plan fails to comply with 11 U.S.C. § 1325(a)(1) because the Debtor has failed to file the required Chapter 13 Calculation of Your Disposable Income (Official Form 122C-2).

7. The Debtor has failed to fully fund the Plan. Section 3.1(a) of the Plan provides that the ongoing mortgage payments shall be paid beginning in March. However, the Trustee does not have enough funds on hand to make this disbursement.

8. The Debtor should timely remit all plan payments due under the Plan prior to the hearing or the Debtor's case should be dismissed for failure to comply with the proposed Plan.

9. The Trustee objects to any amended plan(s) filed hereinafter which fails to meet all requirements of 11 U.S.C. § 1325.

10. For the reasons set forth herein, the Trustee submits that Confirmation of the Plan should be denied and the case dismissed.

WHEREFORE, PREMISES CONSIDERED, the Trustee respectfully requests that upon notice and hearing that this Court enter its order sustaining the Objection. The Trustee prays for other such general and specific relief to which Trustee and this bankruptcy estate may be entitled.

Dated: April 11, 2018.

Respectfully submitted,

LOCKE D. BARKLEY
CHAPTER 13 TRUSTEE

BY: /s/ Melanie T. Vardaman
ATTORNEYS FOR TRUSTEE
W. Jeffrey Collier (MSB 10645)
Melanie T. Vardaman (MSB 100392)
6360 I-55 North, Suite 140
Jackson, Miss. 39211
(601) 355-6661
ssmith@barkley13.com

CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: April 11, 2018

/s/ Melanie T. Vardaman

MELANIE T. VARDAMAN